

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents Washington, D.C. 20231
on June 19, 2002

PATENT
Attorney Docket No.: 015280-212210US

By: Patricia O'Neil



COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Syed Z. Salahuddin, et al.

Application No.: 10/087,882

Filed: March 1, 2002

For: ANTIBODIES AGAINST HUMAN HERPES
VIRUS-6(HHV-6) AND METHOD OF USE

Examiner:

Art Unit: 1645

REQUEST FOR CORRECTED FILING
RECEIPT

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

Sir:

Attached is a copy of the official Filing Receipt received from the Patent and Trademark Office in the above-noted application for which issuance of a corrected filing receipt is respectfully requested.

Syed Z. Salahuddin's city of residence should read "Ventura". The correction is marked in red ink.

The title of the application should have a space between "Herpes" and "Virus" and read "ANTIBODIES AGAINST HUMAN HERPES VIRUS-6(HHV-6) AND METHOD OF USE". This correction is marked in red ink.

Attached is a Supplemental ADS containing the corrections.

The Commissioner is hereby authorized to charge any fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,

Carol A. Fang
Reg. No. 48,631

Attorney Docket No.: 015280-212210US
Application No.: 10/087,882
Page 2

PATENT

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
CAF/pja
SF 1357624 v1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
DIRECTOR OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/087,882 | 03/01/2002 | Syed Zaki Salahuddin | 015280-212210US |

20350

TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor

San Francisco, CA. 94111-3834

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 04/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

Correction of the following is required to complete the reissue application:

The reissue specification has not been provided in double-column format as is required by 37 CFR 1.173(a)(1). **A surcharge is not required when supplying this item.**

X Consent of the assignee is missing. 37 CFR 1.172 requires that the reissue oath/declaration be accompanied by the written consent of all assignees. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

Consent of the assignee is present, but is unsigned. A statement of consent bearing the signature of an official authorized to act on behalf of the assignee(s) must be provided, to comply with 37 CFR 1.172. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

X Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.72 requires that all assignees consenting to the reissue establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b). See MPEP § 324. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

Assignee's statement under 37 CFR 3.73(b) is present, but is unsigned. A 37 CFR 3.73(b) statement bearing the signature of an official authorized to act on behalf of the assignee must be provided. Until this item is supplied, the oath/declaration remains defective; thus, **payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.**

A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (703)308-1202

C15280-212210US KLF

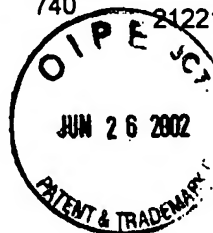


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO. | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|------------------|----------|------------|------------|
| 10/087,882 | 03/01/2002 | 1645 | 740 | 015280-212210US | 17 | 11 | 2 |

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834



CONFIRMATION NO. 8486

FILING RECEIPT



OC000000007915054

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 04/19/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Ventura,

Syed Z. Salahuddin, Ventura, CA;
Dharam V. Ablashi, Olney, MD;
Steven F. Josephs, San Diego, CA;
Carl W. Saxinger, Bethesda, MD;
Flossie Wong-Staal, San Diego, CA;
Robert C. Gallo, Bethesda, MD;

Assignment For Published Patent Application

The United State of America as represented by the Secretary of the Dept. of Health and Human Serv., Rockville, MD;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A REI OF 08/774,118 12/23/1996 PAT 6,054,283
WHICH IS A DIV OF 08/392,674 02/22/1995 PAT 5,604,093
WHICH IS A CON OF 07/754,220 08/27/1991 ABN
WHICH IS A CON OF 07/255,712 10/11/1988 ABN
WHICH IS A CIP OF 07/228,550 08/04/1988 ABN
WHICH IS A CIP OF 06/901,602 08/29/1986 ABN
WHICH IS A CIP OF 06/892,423 08/04/1986 ABN
WHICH IS A CIP OF 06/895,857 08/12/1986 ABN
WHICH IS A CIP OF 06/895,463 08/11/1986 ABN

Foreign Applicati ns

If Required, F reign Filing License Granted 04/19/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

herpes virus
Antibodies against human herpesvirus-6 (HHV-6) and method of use

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

3
Receipt \$
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attorney Docket No.: 015280-212210US
Client Reference No.: E-454-86/6



Assistant Commissioner for Patents
Attn: Box Missing Parts
Washington, D.C. 20231

On June 19, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Anders

COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Syed Zaki Salahuddin
Dharam V. Ablashi
Steven F. Josephs
Carl W. Saxinger
Flossie Wong-Staal

Application No.: 10/087,882

Filed: March 1, 2002

For: ANTIBODIES AGAINST HUMAN
HERPESVIRUS-6(HHV-6) AND
METHOD OF USE

Examiner:

Art Unit: 1645

TRANSMITTAL LETTER –
RESPONSE TO NOTICE OF MISSING
PARTS

Attn: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application,
dated April 19, 2002, enclosed are the following to be made of record in the above-identified
application:

- 1) Executed Reissue Application Declaration by Assignee
- 2) Statement Under 37 CFR 3.73(b)
- 3) Supplemental ADS, Request for Corrected Filing Receipt
- 4) Copy of Notice of Missing Parts

Syed Zaki Salahuddin
Dharam V. Ablashi
Steven F. Josephs
Carl W. Saxinger
Flossie Wong-Staal
Application No.: 10/087,882
Page 2

PATENT

Please charge Deposit Account No. 20-1430 for the following fees: Missing Parts Surcharge \$130.00.

Applicants note that the Statement Under 37 CFR 3.73(b) was originally submitted with the Reissue Application. We are resubmitting the Statement with this response to the Notice of Missing Parts to further the prosecution of the Application.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,



Carol A. Fang
Reg. No. 48,631

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415 576-0300
CAF:pja

SF 1357587 v1

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Attorney Docket No.: 015280-212210US
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On June 19, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Andrus

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Page 2

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Carol A. Fang
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CAF:pja

SF 1357587 v1



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PTO/SB/96 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
Attorney Docket No. 015280-212210US

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: THE UNITED STATES GOVERNMENT, as represented by the Secretary of the Department of Health and Human Services

Application No./Patent No.: 10/087,882

Filed/Issue Date: March 1, 2002

Entitled: ANTIBODIES AGAINST HUMAN HERPES VIRUS-6(HHV-6) AND METHODS OF USE

THE GOVERNMENT OF THE UNITED STATES
OF AMERICA, as represented by the Secretary of
the Department of Health and Human Services

a the government

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is ____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 6273, Frame 0752, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 17, 2002
Date

David R. Sadowski
Typed or printed name

David R. Sadowski
Signature

Patent Advisor, NIH-OD-OTT
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

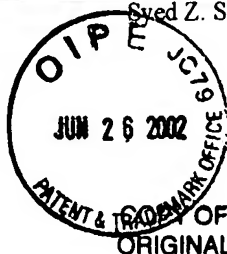


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/087,882 | 03/01/2002 | Syed Z. Salahuddin | 015280-212210US |

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834



CONFIRMATION NO. 8486

FORMALITIES LETTER



OC00000007915055

OF PAPERS
ORIGINALLY FILED

Date Mailed: 04/19/2002

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

• *Surcharge Fee \$130.00*

*A copy of this notice **MUST** be returned with the reply.*

[Signature]
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/01/2002 JADD01 00000009 201430 10087882

01 FC:105 130.00 CH